United Nations E/C.12/GUY/Q/2-4

Economic and Social Council

Distr.: General
2 April 2015

Original: English
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

# List of issues in relation to the combined second, third and fourth periodic reports of Guyana*

## I. General information

1. Please provide information on the legislative measures taken to give the provisions of the Covenant full effect in the domestic legal order of the State party, and examples of cases in which those provisions of the Covenant have been invoked before and/or applied by domestic courts. Please also provide information on the measures taken to raise awareness of the Covenant among officials and the general public.

2. Please provide detailed information on the status and functioning of five parliamentary commissions, namely the Ethnic Relations Commission, the Indigenous Peoples' Commission, the Women's and Gender Equality Commission, the Human Rights Commission and the Rights of the Child Commission. Please include information on the appointment process to the commissions and their mandate, functions and power; resource allocation; the follow-up by the National Assembly on the reports submitted by those commissions; and the impact of the commissions on the enjoyment of economic, social and cultural rights.

## II. Issues relating to general provisions of the Covenant (arts. 1–5)

### Article 1 – Free disposal of natural wealth and resources

3. Please explain how the principle of free, prior and informed consent is guaranteed, both in law and in practice, in the decision-making on, and the implementation of, development and extractive projects affecting indigenous peoples.

* Adopted by the pre-sessional working group at its fifty-fifth session (9–13 March 2015).

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### Article 2, paragraph 1 – Maximum available resources

4. Please provide information on the steps taken to ensure the transparency of governance as well as to prevent and combat corruption at all levels of public administration, including the status of the enactment of a public procurement bill and the establishment of a national procurement and tender administration board. Please also provide information on the number of prosecutions and sentences passed, if any, against high-level officials found guilty of corruption, or the persecution of witnesses of corruption and anti-corruption activists.

### Article 2, paragraph 2 – Non-discrimination

5. Please specify the legislative, policy and organizational measures taken by the State party to combat racial discrimination. Please provide information on the cases of racial discrimination and racial hatred brought before the Ethnic Relations Commission and the results of the Commission's investigations. Please also provide information on the cases concerning racial discrimination brought before the courts, including relevant figures, in particular regarding the number of perpetrators prosecuted and sentenced under the Racial Hostility Act of 1973 (amended by Act No. 9 of 2002).

6. Please clarify the criteria on the basis of which a person is deemed "undesirable" under the Expulsion of Undesirables Act and the cases in which the Act was applied.

7. Please provide information on legislative, administrative and other measures taken to prevent and combat discrimination, in particular against persons with disabilities, lesbian, gay, bisexual and transgender persons and people living in remote areas. Please also provide information on the concrete measures taken by the State party to improve the access of persons with disabilities to education, employment and public services and activities. Please indicate whether the anti-discrimination legislation covers all the prohibited grounds of discrimination set out in article 2, paragraph 2, of the Covenant.

### Article 3 – Equal rights of men and women

8. Please provide information on measures taken to address the negative impact of gender stereotypes and the persistent attitudes regarding the role of women in the family and society on their enjoyment of economic, social and cultural rights.

9. Please provide statistical data on the number of women in public decision-making positions, including in the executive, the judiciary and the legislative (national and regional). Please specify the measures, including temporary special measures, taken to promote gender-balanced representation at the decision-making level.

## III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

### Article 6 – The right to work

10. Please provide information on trends in the development of the labour force in the past five years, including statistical data, disaggregated by sex, age group and ethnic group, on the total labour force and the categories of employees, such as self-employed and unemployed.

11. Please provide information on any concrete measures taken to increase the employment of women and young people.

12. Please provide information on measures taken to address the brain drain and the migration of skilled workers, as well as the imbalance between demand for and the availability of skilled and experienced workers. Please inform the Committee about the impact of privatization and of joining the Caribbean Single Market and Economy on the Guyanese job market and employment.

## Article 7 – The right to just and favourable conditions of work

13. Please provide precise information on the official working hours per week, annual leave and paternal leave (paid and unpaid). Please also inform the Committee whether equal remuneration for work of equal value and equal pay for equal work is guaranteed, in particular with regard to women, persons with disabilities, indigenous peoples and other groups that may be disadvantaged or marginalized.

14. Please explain what hinders the State party in establishing a national minimum wage policy. Please provide information on whether the minimum wage has been set for workers not covered by collective labour agreements, the number of such workers and whether the minimum wage is sufficient to guarantee the workers and their families a decent living.

15. Please provide updated information on the number of complaints concerning conditions of work brought by employees to the Ministry of Labour and to any other complaint mechanisms in the past five years, and on the major subjects of the complaints.

16. Please provide updated information on the labour inspections carried out by the Ministry of Labour in the past five years and include the number of identified cases of violations of labour rights, the main areas of concern, in the light of the Covenant, identified during the inspections, and the action taken by the Ministry.

## Article 8 – Trade union rights

17. Please provide updated data, disaggregated by sex and ethnic group, on the number of trade unions and their members in both the public and the private sector in the past five years, including the numbers and percentages of employees belonging and not belonging to trade unions. Please update the information on the two national trade union federations, namely, the Guyana Trades Union Congress and the Federation of Independent Trade Unions of Guyana, including the number of individual members and member unions, as well as the industries covered by each of them.

18. In the light of paragraphs 251 and 252 of the report, please clarify whether all public servants of the State party may not form a trade union or join a trade union. Please also provide information on the schemes that protect the rights of the members of the Disciplined Services and clarify whether those professional associations are comparable to trade unions in terms of protecting the rights of workers.

## Article 9 – The right to social security

19. Please provide detailed information on the National Insurance Scheme, with statistical data, including the numbers of contributors and beneficiaries of the social security programmes under the Scheme and the level of benefits of the social security programmes. Please explain how the level of social benefits, such as unemployment benefits and pension benefits, is determined and how often it is reviewed. Please also

provide information on the average benefits provided under the Old Age Benefits scheme and the benefits under the Old Age Pension Programme and explain whether the benefits are sufficient to ensure a decent standard of living.

## Article 10 – Protection of the family, mothers and children

20. Please provide information on the legislative, policy and other measures taken to protect women and children against domestic violence, in particular the Domestic Violence Act 1997 and the "Stamp It Out" policy, and their impact on the prevention of domestic violence. Please also provide updated information on the enactment of a family code and the establishment of a family court.

## Article 11 – The right to an adequate standard of living

21. Please provide information on the concrete measures taken by the State party to address the poverty gap between urban and rural areas as well as between the Amerindian and the non-Amerindian population.

22. Please provide updated and detailed information on the Squatter Settlements and Depressed Areas Upgrading Project. Please include relevant statistical data, such as the number of affected households and persons, in both the areas for supportive interventions and the zero-tolerance areas, and the number of households that have benefited from the project. Please also provide information on measures taken to ensure the right to adequate housing for those in zero-tolerance areas.

## Article 12 – The right to physical and mental health

23. Please provide detailed information on national health policies and strategies, including the implementation of the National Health Sector Strategy 2008–2012 and the mid-term strategy of the Ministry of Health, and the impact of those policies and strategies. Please specify the measures taken by the State party to ensure equal access to health services for all, in particular disadvantaged groups, including persons with disabilities, non-nationals, indigenous peoples and people living in remote areas.

24. Please provide information on the measures taken by the State party to reduce the high prevalence of HIV/AIDS, malaria and tuberculosis, which have been on the rise in recent years.

25. Please provide information on mental health-care services, including any challenges in this area and measures taken so far to overcome them.

## Articles 13 and 14 – The right to education

26. Please provide precise information on the measures taken to reduce the number of children out of school, particularly boys.

27. Please provide information on the concrete measures taken to improve the quality of education, as well as on the qualifications of teachers, school infrastructure and educational methodologies and materials.

28. Please provide information on the measures taken to improve the academic achievement of students, particularly for children in remote areas.

## Article 15 – Cultural rights

29. Please provide information on measures taken by the State party to promote education in the languages of the Amerindians and ethnic minorities, as well as to protect their cultural identity.

30. Please provide information about the steps taken to ensure the participation of indigenous peoples in decision-making affecting them, as well as about measures taken to support the maintenance of indigenous cultures, lifestyles and livelihoods.

31. Please provide information about access to the Internet and measures taken by public authorities to ensure such access by disadvantaged and marginalized individuals and groups, as well as those living in remote areas.